

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LANCE IAN OSBAND,

Petitioner,

vs.

No. CIV S-97-0152 WBS KJM

DEATH PENALTY CASE

JAMES STOKES,
Acting Warden of San Quentin
State Prison,

Respondent.

ORDER

On September 2, 2005, respondent filed a request for reconsideration by the district court of the Magistrate Judge's ruling filed May 11, 2005. Respondent requests that a redacted copy of the request for reconsideration be filed in place of the document filed on September 2, 2005. Petitioner does not oppose this request.

GOOD CAUSE SHOWING, respondent's September 8, 2005 request to replace his September 2, 2005 request for reconsideration with a publicly-filed brief and a sealed addendum is granted as follows:

1. Within one court day of the filed date of this order, respondent shall file and serve his redacted request for reconsideration and sealed addendum;

2. Upon receipt of respondent's redacted request and addendum, the Clerk of the Court is ordered to:

1 a. strike Respondent's Request for Reconsideration by the District Court
2 of Magistrate Judge's Ruling Filed May 11, 2005, which respondent filed with this court on
3 September 2, 2005;

4 b. substitute the publicly filed brief with redactions; and

5 c. file the sealed addendum of the unredacted Respondent's Request for
6 Reconsideration of the Order of the Magistrate Judge filed May 11, 2005 based on Local Rule
7 39-141(d).

8 DATED: September 22, 2005.

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11 UNITED STATES MAGISTRATE JUDGE
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